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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re ARI. O., a Person Coming Under  
the Juvenile Court Law.

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THE PEOPLE,

Plaintiff and Respondent,

v.

ARI. O.,

Defendant and Appellant.

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B209708

(Los Angeles County  
Super. Ct. No. GJ25729)

APPEAL from an order of the Superior Court of Los Angeles County,  
Robert Leventer, Referee. Affirmed with directions.

Torres & Torres and Steven A. Torres, under appointment by the Court of Appeal,  
for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Pamela C. Hamanaka, Assistant  
Attorney General, Keith H. Borjon and John R. Gorey, Deputy Attorneys General, for  
Plaintiff and Respondent.

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Ari. O., a minor, appeals from the order of wardship (Welf. & Inst. Code, § 602) entered following a determination that he committed vandalism causing damage not less than \$400 (Pen. Code, § 594, subds. (a) & (b)(1)). The court ordered appellant placed home on probation. We affirm the order of wardship with directions.

### ***FACTUAL SUMMARY***

Viewed in accordance with the rules on appeal (*In re Dennis B.* (1976) 18 Cal.3d 687, 697), the evidence, the sufficiency of which is undisputed, established that on September 13, 2007, appellant committed the above offense, vandalizing someone's home.

### ***CONTENTIONS***

Appellant presents related claims that the July 14, 2008 dispositional minute order should be amended to reflect (1) the court's oral pronouncement as to various probation conditions, and (2) that the court did not order that "Minor may not be held in physical confinement for a period to exceed three years."

### ***DISCUSSION***

*The Court's July 14, 2008 Minute Order Must Be Amended.*

#### *1. Pertinent Facts.*

##### *a. The Court's July 14, 2008 Oral Disposition.*

At the July 14, 2008 dispositional hearing, the trial court did not order that appellant be taken from the physical custody of his parents. Nor did the court order that "Minor may not be held in physical confinement for a period to exceed three years." The trial court stated, in pertinent part, as follows: "Minor is declared a ward of the court and placed home on probation. I'll impose the following terms and conditions of probation; [¶] . . . [¶] Obey all orders and instructions of your parents and report to your probation officer as directed. . . . Attend a school program. . . . [¶] Submit your person and property under your control and at any time of the day or night by any law enforcement officer with or without warrant." The court imposed additional probation conditions.

b. *The Court's July 14, 2008 Dispositional Minute Order.*

The July 14, 2008 dispositional minute order reflects as item No. 29, "Minor may not be held in physical confinement for a period to exceed [three] years." The minute order also reflects the following as probation conditions. According to the minute order, probation condition No. 2 is, "Obey all instructions and order of Parents/Guardians[,] Teachers(s)[,] School Officials[.]" Probation condition No. 4 is, "Notify the Probation Officer before changing address, school, school schedule or place of employment." Probation condition No. 9 is, "Attend a school program approved by the Probation Officer. . . . Promptly notify Probation Officer of every absence." Probation condition No. 25 is: "Submit person, residence or property under his/her control to search and seizure at any time of the day or night by any law enforcement officer, with or without a warrant."

2. *Analysis.*

Appellant presents related claims that the July 14, 2008 minute order should be amended to reflect (1) the court's oral pronouncement as to various probation conditions, and (2) that the court did not order that "Minor may not be held in physical confinement for a period to exceed three years." We partially agree as indicated below.

It is undisputed that a trial court minute order purporting to reflect the court's disposition must do so accurately, and that this court may direct the trial court to correct its minute order in this regard. (Cf. *People v. Solorzano* (1978) 84 Cal.App.3d 413, 415, 417.) Accordingly, we note the following.

First, there is no dispute that the dispositional minute order must be amended by the deletion of the phrase "Teachers(s)[,] School Officials" from probation condition No. 2. The court orally ordered no such terms as part of that probation condition.

Second, we agree with appellant that the minute order must be amended by the deletion of probation condition No. 4, i.e., "Notify the Probation Officer before changing address, school, school schedule or place of employment." The court orally ordered no such probation condition.

Third, we agree with appellant that the minute order must be amended by the deletion of the sentence in probation condition No. 9, which says, “Promptly notify Probation Officer of every absence.” The court orally ordered no such probation condition.

Fourth, there is no dispute that the minute order must be amended to reflect that the trial court did not order that “Minor may not be held in physical confinement for a period to exceed three years.” The trial court orally issued no such order (and any such order would have been unlawful since appellant was not removed from the custody of his parents (*In re Matthew A.* (2008) 165 Cal.App.4th 537, 541-542)). We will direct the trial court to make the four above mentioned corrections.

We reject appellant’s claim that the minute order must be amended by the deletion of that part of the first sentence in probation condition No. 9, which says, “approved by the Probation Officer.” Welfare and Institutions Code section 729.2 states, in relevant part, “If a minor is found to be a person described in Section . . . 602 and the court does not remove the minor from the physical custody of the parent or guardian, the court as a condition of probation, . . . shall: [¶] (a) Require the minor to attend a school program *approved by the probation officer* without absence.” (Italics added.)

Moreover, when, as here, a minor is adjudged a ward of the court on the ground that the minor is a person described by Welfare and Institutions Code section 602, and the court orders the minor on probation but does not order that the minor is on probation without supervision of the probation officer, Welfare and Institutions Code section 727, subdivision (a), requires that the court order that the care, custody, and *control* of the minor be under the *supervision of the probation officer*.

We presume the trial court knew the law. (*People v. Mosley* (1997) 53 Cal.App.4th 489, 496-497; Evid. Code, § 664.) We believe the trial court’s oral pronouncement, “[a]ttend a school program” was the court’s abbreviated way of ordering that appellant “attend a school program *approved by the probation officer*”; therefore, there is no need to correct probation condition No. 9, as reflected in the minute order.

Similarly, we reject appellant's claim that the minute order must be amended by the deletion of that part of probation condition No. 25, which says, "to search and seizure." We believe the condition's phrase "with or without a warrant" in the court's oral pronouncement concerning this condition fairly implied a search warrant and that the court intended to impose a search condition which read as reflected in probation condition No. 25 in the minute order.

***DISPOSITION***

The order of wardship is affirmed. The trial court is directed to amend its July 14, 2008 dispositional minute order consistent with this opinion.

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KITCHING, J.

We concur:

KLEIN, P. J.

CROSKEY, J.